

**IC 25-37.5**

**ARTICLE 37.5. DEALERS IN VALUABLE METALS**

**IC 25-37.5-1**

Chapter 1. Regulation of Dealers by State Police

**IC 25-37.5-1-0.2**

**"Core buyer"**

Sec. 0.2. As used in this chapter, "core buyer" means a person engaged in the business of purchasing or acquiring small component motor vehicle parts for resale, including catalytic converters, automobile radiators, and batteries.

*As added by P.L.158-2009, SEC.1.*

**IC 25-37.5-1-0.3**

**Repealed**

*(Repealed by P.L.158-2009, SEC.9.)*

**IC 25-37.5-1-0.5**

**"Metal bossie"**

Sec. 0.5. As used in this chapter, "metal bossie" means a metal four (4) wheel cart used to transport or sell food products that are stored in crates, shells, or trays.

*As added by P.L.158-2009, SEC.2.*

**IC 25-37.5-1-0.6**

**Repealed**

*(Repealed by P.L.158-2009, SEC.9.)*

**IC 25-37.5-1-1**

**"Valuable metal"**

Sec. 1. (a) When used in this chapter, "valuable metal" means any product made of metal that readily may be resold. The term includes metal bossies and small component motor vehicle parts. The term does not include a beverage can.

(b) As used in this chapter, "valuable metal dealer" means any individual, firm, corporation, limited liability company, or partnership engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk cars or trucks. The term includes a core buyer. The term does not include a person who purchases a vehicle and obtains title to the vehicle.

(c) As used in this chapter, "purchase" means acquiring a valuable metal product for a consideration, but does not include purchases between scrap metal processing facilities (as defined in IC 8-23-1-36).

*(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.)*

*As amended by P.L.145-1990, SEC.1; P.L.8-1993, SEC.403; P.L.2-2007, SEC.349; P.L.170-2007, SEC.1; P.L.3-2008, SEC.205; P.L.63-2008, SEC.4; P.L.158-2009, SEC.3.*

## **IC 25-37.5-1-2**

### **Record of purchases; forms; retaining copies; beer kegs**

Sec. 2. (a) Except as provided in section 5 of this chapter, every valuable metal dealer in this state shall enter on forms provided by the state police department for each purchase of valuable metal the following information:

- (1) The name and address of the dealer.
- (2) The date and place of each purchase.
- (3) The name, address, age, and driver's license number or Social Security number of the person or persons from whom the valuable metal was purchased.
- (4) The valuable metal dealer shall verify the identity of the person from whom the valuable metal was purchased by use of a government issued photographic identification. The dealer shall enter on the form the type of government issued photographic identification used to verify the identity of the person from whom the valuable metal was purchased, together with the:
  - (A) name of the government agency that issued the photographic identification; and
  - (B) identification number present on the government issued photographic identification.
- (5) The motor vehicle license number of the vehicle or conveyance on which the valuable metal was delivered to the dealer.
- (6) The price paid for the metal.
- (7) A description and weight of the valuable metal purchased.
- (8) The source of the valuable metal.
- (9) The photograph described in subsection (b).

After entering the information required in this subsection, the valuable metal dealer shall require the person or persons from whom the valuable metal is purchased to sign the form and verify its accuracy.

(b) In addition to collecting the information described in subsection (a), a valuable metal dealer shall take a photograph of:

- (1) the person from whom the valuable metal is being purchased; and
- (2) the valuable metal.

(c) A valuable metal dealer shall make and retain a copy of the government issued photographic identification described under subsection (a)(4) used to verify the identity of the person from whom valuable metal was purchased and the photograph described in subsection (b). However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from whom valuable metal is purchased if the valuable metal dealer has

retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer.

(d) The completed form, the photograph described in subsection (b), and the copy of the government issued photographic identification described in subsection (c) shall be kept in a separate book or register by the dealer and shall be retained for a period of two (2) years. This book or register shall be made available for inspection by any law enforcement official at any time.

(e) A valuable metal dealer may not accept a damaged or an undamaged metal beer keg if either of the following applies:

(1) The keg is clearly marked as the property of a brewery manufacturer.

(2) The keg's identification markings have been made illegible.

*(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.)  
As amended by P.L.145-1990, SEC.2; P.L.2-2007, SEC.350;  
P.L.170-2007, SEC.2; P.L.158-2009, SEC.4.*

### **IC 25-37.5-1-3**

#### **Rule adoption; products list**

Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. The superintendent shall also prepare and distribute a list to each valuable metal dealer describing valuable metal products that are particularly susceptible to theft.

*(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.)  
As amended by Acts 1982, P.L.154, SEC.136; P.L.7-1987, SEC.134;  
P.L.145-1990, SEC.3; P.L.2-2007, SEC.351; P.L.170-2007, SEC.3;  
P.L.3-2008, SEC.206; P.L.158-2009, SEC.5.*

### **IC 25-37.5-1-4**

#### **Separation of purchases; inspection**

Sec. 4. Except as provided in section 5 of this chapter, every dealer shall hold each purchase of valuable metal requiring notification for at least five (5) working days from the date of notification:

(1) at his regular place of business; and

(2) separate and apart; so that it is readily identifiable from all other purchases. During this period, a dealer may not change the form of the valuable metal and shall permit any law enforcement officer to make inspection of the valuable metal purchased.

*(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.)  
As amended by P.L.145-1990, SEC.4.*

### **IC 25-37.5-1-5**

#### **Exclusions**

Sec. 5. The provisions of sections 2 and 3 of this chapter do not apply to purchases from persons, firms, limited liability companies,

or corporations regularly engaged in the business of manufacturing valuable metals, the business of selling valuable metals at retail or wholesale, to the purchase of one dealer from another or the purchase from persons, firms, limited liability companies, or corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph and other communications if such persons, firms, limited liability companies, or corporations at the time of purchase, provide the dealer with a bill of sale or other written evidence of title to the valuable metal.

*(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.)  
As amended by P.L.8-1993, SEC.404.*

#### **IC 25-37.5-1-6**

##### **Forms**

Sec. 6. The state police department shall prepare the forms provided for in section 2 of this chapter, shall make a reasonable supply of the forms available at the office of the county sheriff of each county and shall provide the forms to any individual upon request.

*(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.)  
As amended by Acts 1982, P.L.154, SEC.137.*

#### **IC 25-37.5-1-7**

##### **Violations**

Sec. 7. A dealer who fails to comply with this chapter commits a Class A infraction.

*(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.)  
As amended by Acts 1978, P.L.2, SEC.2566; P.L.145-1990, SEC.5.*